

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Jonathan Landes,

NO. C 08-05382 JW

Plaintiff,

SCHEDULING ORDER

v.

Intel Corp.'s Long Term Disability Plan,

Defendant.


This case is scheduled for a Case Management Conference on May 3, 2010. Pursuant to the Federal Rules of Civil Procedure and Local Rules of this Court, the parties conferred and duly submitted a Joint Case Management Statement. (hereafter, "Statement," Docket Item No. 323.)

On January 20, 2010 the Court issued an Order Granting in Part and Denying in Part Cross-Motions for Summary Judgment. (hereafter, "January 20 Order," Docket Item No. 28.) In its January 20 Order, the Court remanded the case for determination of Plaintiff's claim of long-term disability benefits, and directed the Plan Administrator to articulate the basis of any determination and award benefits accordingly. (January 20 Order at 14-15.) In the event that the Plan Administrator's reevaluation of Plaintiff's long-term disability determination resulted in a finding that benefits are not due to Plaintiff, the Court ordered Defendant to provide an explanation including the specific reasons for the adverse determination and formally file its determination with the Court for review. (Id.) On April 19, 2010, Defendant filed a Notice of Lodging Benefits Determination. (See Docket Item No. 29.)

1 In their Statement, the parties represent that there is no need for further discovery or trial in
2 this matter, and request that the Case Management Conference be vacated. (Statement at 3-5.) In
3 light of the parties' representations, the Court VACATES the Case Management Conference and
4 orders as follows:

- 5 (1) On or before **May 7, 2010**, Plaintiff shall file a brief Reply to the Plan
6 Administrator's determination of benefits. Plaintiff's Reply shall not exceed fifteen
7 pages in length.
- 8 (2) Upon Plaintiff's filing of his Reply, the matter shall be deemed submitted for the
9 Court's review.

10
11 Dated: April 27, 2010



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 James Gerald Mellen jgmellen@hotmail.com
3 Joseph E. Lambert josephlambert@cox.net
4 Michael W. Pott mpott@porterscott.com
5 Timothy J. Fricker tjfricker@gmail.com

6 **Dated: April 27, 2010**

Richard W. Wieking, Clerk

7
8 **By: /s/ JW Chambers**
9 **Elizabeth Garcia**
10 **Courtroom Deputy**